

## **MITIGATED NEGATIVE DECLARATION**

Project Name: RUFFIN TENTATIVE PARCEL MAP

Project Number(s): TPM 20725, ER #03-02-007

**This Document is Considered Draft Until it is Adopted by the Appropriate  
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study Form
  - b. Ordinance Compliance Form
  - b. Environmental Analysis Form and attached extended studies for stormwater, hydrology, biology, and groundwater (well test).
1. California Environmental Quality Act Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.
2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

1. Prior to issuance of grading or construction permits or on the Parcel Map, whichever comes first, the applicant shall:
  - A. Grant to the County of San Diego an open space easement over portions of Lots 2, 3 and 4 and the Remainder Parcel as shown on the open space easement map dated December 9, 2003 on file with the Department of Planning and Land Use as ER #03-02-007. This easement is for biological resources including: 32.54 acres of scrub oak chaparral; and, 1.61 acres of Southern Coast Live Oak Riparian Forest and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. Granting of this open space authorizes the County and its agents to periodically access the land to perform management and monitoring activities for the purposes of species and habitat conservation.

The sole exception to this prohibition is:

- 1) Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the Uniform Fire Code and the Memorandum of Understanding dated February 26, 1997, between the wildlife agencies and the fire districts and any subsequent amendments thereto.
- B. Grant to the County of San Diego an easement which prohibits the construction or placement of any residence, garage, or other accessory structure designed or intended for occupancy by humans or animals, within those portions of Lots 2, 3 and 4 and the Remainder Parcel as shown on the open space easement map dated December 9, 2003 on file with the Department of Planning and Land Use as ER #03-02-007. The purpose of this easement is to prohibit such structures, because an area containing sensitive biological resources (encumbered by an open space easement) exists adjacent to said area, and the clearing of vegetation or other fuel modification measures which are normally required by fire

protection officials within a specified distance of such structures, is potentially damaging to the integrity of those biological resources. The easement shall permit the construction or placement of only the following:

- 1) Decking, fences, and similar facilities.
- 2) Sheds, gazebos, and detached garages, less than 250 square feet in total floor area, that are designed, constructed and placed so that they do not require clearing or fuel modification within the biological open space easement, beyond the clearing/fuel modification required for the primary structures on the property.
- 3) Structures located no less than 30 feet from the nearest biological open space easement boundary, provided that the structures meet the minimum Fire-Resistive Construction Requirements as defined by the Fire Protection Authority (FPA) having jurisdiction over the property and that FPA has approved in writing a reduction in the vegetation clearing / fuel modification requirements so that they will not be required within any portion of the biological open space easement.

2. Prior to the approval of grading or improvement plans and prior to the approval of the Parcel Map, the applicant shall:

Submit to the Director, Department of Planning and Land Use evidence that permanent signs have been placed to protect all Open Space Easements in accordance with on the Open Space Fencing and Signage exhibit dated December 9, 2003, on file with the Department of Planning and Land Use as File Number ER 03-02-007. Evidence shall include photographs of a sign placed on the project and a stamped, signed statement from a California Registered Engineer, or licensed surveyor that permanent signs have been placed on the open space easement boundaries in accordance with the requirements of this condition. The signs must be corrosion resistant and 6 inches x 9 inches minimum in size, on posts not less than 3 feet in height from the ground surface and must state the following:

"Sensitive Environmental Resources  
Disturbance Beyond this Point is Restricted  
by Easement

Information:  
Contact County of San Diego, Department of Planning and Land Use  
Ref: 03-02-007"

3. Cause to be placed on grading and/ or improvement plans and the Parcel Map, the following: "Restrict all brushing, clearing and/or grading such that none will be allowed within 300 feet of Southern Coast Live Oak Riparian Forest habitat during the breeding season of raptors. This is defined as occurring between February 1 and June 1. The Director of Planning and Land Use, may waive this condition, through written concurrence from the United States Fish and Wildlife Service and the California Department of Fish and Game, that no raptor nests are present in the vicinity of the brushing, clearing or grading."
4. Prior to obtaining any building or grading permit or improvement plans, the applicant shall:

Submit to the Director, Department of Planning and Land Use a signed, stamped statement from a California Registered Engineer, or licensed surveyor that temporary fences have been placed to protect from inadvertent disturbance all open space easement(s) that do not allow grading, brushing or clearing. Temporary fencing is required in all locations of the project where proposed grading or clearing is within 100 feet of an open space easement boundary. The temporary fence location shall be identified in the field by a California Registered Engineer or licensed surveyor and positioned between the open space easement boundary and any area of proposed disturbance. All temporary fencing shall be removed only after the conclusion of such activity. The temporary fencing condition shall be released on a parcel-by-parcel basis.

5. Prior to occupancy of any dwelling unit and/or the conclusion of any grading activity, the applicant shall:

Submit to the Director, Department of Planning and Land Use a signed, stamped statement from a California Registered Engineer, or licensed surveyor that permanent fences or walls have been placed to protect from inadvertent disturbance all open space easement(s) that do not allow grading, brushing or clearing. Permanent fencing or walls are required in all locations of the project as shown in the Open Space Fencing and Signage Exhibit dated December 9, 2003 on file as ER 03-02-007 with the Department of Planning and Land Use. The permanent fence location(s) shall be identified in the field by a California Registered Engineer or licensed surveyor and positioned just outside of the open space easement. Photographs and a brief description of design and materials used shall be submitted with the statement from the California Registered Engineer. Construction materials and fence and/or wall design are subject to approval by the Department of Planning and Land Use. Minimum fence or wall height shall be 4 feet.

3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

1. THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH BEFORE A PARCEL MAP IS APPROVED BY THE COUNTY OF SAN DIEGO, DEPARTMENT OF PUBLIC WORKS, AND FILED WITH THE COUNTY RECORDER OF SAN DIEGO COUNTY:

A. ACCESS [DPW]

- 1) The subdivider shall furnish to the County of San Diego, Department of Public Works, recorded documentation showing that the land division is connected to a publicly maintained road by an easement for road purposes. This easement shall be forty feet (40') wide as specified in Section 81.703(a)(2) and/or (b)(1), unless proof is furnished that a lesser width is applicable under Section 81.703(l)(1) of the County Code, and shall be for the benefit and use of the property being divided. Recordation data for said easement shall be shown on the Parcel Map.

B. SIGHT DISTANCE [DPW]

- 1) Prior to recordation, a registered civil engineer, a registered traffic engineer, or a licensed land surveyor shall provide a signed statement that: "Physically, there is a minimum of four hundred feet (400') of unobstructed sight distance in both directions from Rancho Heights Road along Pala Temecula Road, per the Design Standards of Section 6.1.E of the County of San Diego Public Road Standards."
- 2) Provide evidence that intersectional sight distances at all intersections, proposed by this project, are to the satisfaction of the Director of Public Works.

C. PRIVATE ROAD EASEMENTS [DPW] [FIRE]

- 1) The Parcel Map shall show a forty-foot (40') minimum radius cul-de-sac or a hammerhead turnaround located at driveway of Parcel 4, to the satisfaction of the Office of Fire Service Coordination (Fire Department) and the Director of Public Works. [FIRE]
- 2) The parcel map shall show a minimum forty feet (40') Rancho Heights Road from the proposed cul-de-sac located at driveway of Parcel 4 to Pala Temecula Road.
- 3) The parcel map shall show a minimum twenty feet (20') private easement road from the driveway of Parcel 1 northerly to Rancho Heights Road.
- 4) The parcel map shall show a minimum twenty feet (20') private easement road from the driveway of Parcel 2 northerly to Rancho Heights Road

D. FACILITY/UTILITY ARRANGEMENTS [DPW] [DPLU]

- 1) Where private easement roads are not being dedicated, or where each of the proposed parcels is not on a public street, the subdivider shall provide the County of San Diego, Director of Public Works, with letters from serving utility companies stating that arrangements satisfactory to the utility have been made to serve all parcels being created. No letter will be required from the following: Pacific Bell. [DPW]
- 2) The subdivider shall comply with Section 66436 of the Government Code by furnishing to the County of San Diego, Department of Public Works, a certification from each public utility and each public entity owning easements within the proposed land division stating that: (a) they have received from the subdivider a copy of the proposed Parcel Map; (b) they object or do not object to the filing of the Map without their signature. [DPW]
- 3) Prior to recordation of the Parcel Map, approval of improvement and/or grading plans, issuance of excavation permits, and issuance of any further grant of approval, the

owners of this project will be required to sign a statement that they are aware of the County of San Diego, Department of Public Works, Pavement Cut Policy and that they have contacted all adjacent property owners and solicited their participation in the extension of utilities.

2. THE FOLLOWING IMPROVEMENTS MAY BE COMPLETED PRIOR TO RECORDING OF A PARCEL MAP OR THEY MUST BE LISTED ON THE PARCEL MAP AND THE SUBDIVIDER SHALL EXECUTE A "COVENANT OF IMPROVEMENT REQUIREMENTS" WHICH SHALL LIST THE CONDITIONS THAT REMAIN TO BE COMPLETED. THE COVENANT SHALL BE RECORDED BY THE COUNTY OF SAN DIEGO, DEPARTMENT OF PUBLIC WORKS, PRIOR TO RECORDING THE PARCEL MAP. THE COVENANT SHALL BE NOTED ON THE PARCEL MAP.

(IMPROVEMENT PLANS AND COST ESTIMATES ARE NOT DEFERRABLE) THE COVENANT OF IMPROVEMENT REQUIREMENTS SHALL NOTE THE ESTIMATE OF COST TO INSTALL AND/OR CONSTRUCT ANY DEFERRED IMPROVEMENTS. THE ESTIMATE OF COST SHALL BE BASED UPON IMPROVEMENT PLANS. THE PLANS SHALL INCLUDE A SIGNED STATEMENT BY THE PRIVATE ENGINEER-OF-WORK STATING THAT THE PLANS ARE SUFFICIENT FOR THE PURPOSE OF PROVIDING THE REQUIRED ESTIMATE OF THE COST FOR THE PRIVATE EASEMENT ROADS AND PRIVATE FACILITIES. THE ESTIMATE SHALL HAVE THE ENGINEER'S SIGNATURE AND STAMP ON THE FRONT PAGE ALONG WITH A STATEMENT THAT IT IS THE ENGINEER'S ESTIMATE OF THE APPROXIMATE COST AS OF THE DATE THE ESTIMATE WAS PREPARED FOR THE PRIVATE ROAD AND FACILITIES REQUIRED BY THE FINAL NOTICE OF APPROVAL AND THE SAN DIEGO COUNTY STANDARDS FOR PRIVATE STREETS. SAID COVENANT SHALL BE TITLED "COVENANT OF IMPROVEMENT REQUIREMENT, A BUILDING PERMIT PROHIBITION".

IF THE COVENANT HAS BEEN RECORDED, NO BUILDING PERMIT AND NO FURTHER GRANT OF APPROVAL FOR DEVELOPMENT MAY BE ISSUED UNTIL THE SUBDIVIDER PRESENTS A COPY OF THE RELEASE OF IMPROVEMENT REQUIREMENTS RECORDED BY THE DEPARTMENT OF PUBLIC WORKS, STATING THAT ALL OF THE REQUIRED IMPROVEMENTS LISTED IN THE COVENANT OF IMPROVEMENT REQUIREMENTS AND NOTED ON THE PARCEL MAP HAVE BEEN COMPLIED WITH, EXCEPT A GRADING OR

CONSTRUCTION PERMIT AND/OR A PERMIT TO INSTALL UTILITIES WITHIN THE PRIVATE EASEMENT MAY BE ISSUED. (NOTE: FOR WATER STORAGE FACILITIES AND/OR FUEL BREAKS, A RELEASE OF IMPROVEMENT REQUIREMENTS IS ONLY REQUIRED TO STATE THAT THE IMPROVEMENTS HAVE BEEN COMPLIED WITH FOR THE PARTICULAR PARCEL FOR WHICH A BUILDING PERMIT IS BEING REQUESTED.) [DPW] [DPLU]

A. PRIVATE ROAD IMPROVEMENTS [DPW] [FIRE]

- 1) The cul-de-sac shall be graded to a radius of thirty-eight feet (38') and improved with six inches (6") of disintegrated granite to a radius of thirty-six feet (36'), or the hammerhead turnaround shall be graded and improved with six inches (6") of disintegrated granite, to the satisfaction of the County Fire Marshal and the County of San Diego, Director of Public Works. [FIRE]
- 2) The private easement road (Rancho Heights Road), from the proposed cul-de-sac located at driveway of Parcel 4 to Pala Temecula Road, shall be graded twenty-eight feet (28') wide and improved twenty-four feet (24') wide with six inches (6") of disintegrated granite. The Improvement and Design Standards of Section 3.1(C) of the County Standards for Private Streets for one hundred one (101) to seven hundred fifty (750) trips shall apply to the satisfaction of the Director of Public Works.
- 3) The private easement road, from the driveway of Parcel 1 northerly to Rancho Heights Road, shall be graded twenty feet (20') wide and improved sixteen feet (16') wide with six inches (6") of disintegrated granite. The Improvement and Design Standards of Section 3.1(C) of the County Standards for Private Streets for one hundred (100) or less trips shall apply to the satisfaction of the Director of Public Works.
- 4) The private easement road, from the driveway of Parcel 2 northerly to Rancho Heights Road, shall be graded twenty feet (20') wide and improved sixteen feet (16') wide with six inches (6") of disintegrated granite. The Improvement and Design Standards of Section 3.1(C) of the County Standards for Private Streets for one hundred (100) or less trips shall apply to the satisfaction of the Director of Public Works.



- 5) A registered civil engineer or a licensed land surveyor shall provide a signed statement that: "The private easement road (Rancho Heights Road), from the southeast corner of Parcel 4 to Pala Temecula Road, including all slopes and the cul-de-sac or hammerhead turnaround are constructed entirely within the easement, including drainage structures, for the benefit of the land division." NOTE: If the slopes for the improvement fall outside of the easement, mitigating structures shall be utilized so the improvement is within the easement or slope rights/a letter of permission shall be obtained/granted and the engineer or surveyor shall further certify that: "Slope rights/a letter of permission has been obtained/granted for work outside of the easement limits."
  - 6) A registered civil engineer or a licensed land surveyor shall provide a signed statement that: "The private easement road, from the driveway of Parcel 1 northerly to Rancho Heights Road, is constructed entirely within the easement, including drainage structures, for the benefit of the land division." NOTE: If the slopes for the improvement fall outside of the easement, mitigating structures shall be utilized so the improvement is within the easement or slope rights/a letter of permission shall be obtained/granted and the engineer or surveyor shall further certify that: "Slope rights/a letter of permission has been obtained/granted for work outside of the easement limits."
  - 7) A registered civil engineer or a licensed land surveyor shall provide a signed statement that: "The private easement road, from the driveway of Parcel 2 northerly to Rancho Heights Road, is constructed entirely within the easement, including drainage structures, for the benefit of the land division." NOTE: If the slopes for the improvement fall outside of the easement, mitigating structures shall be utilized so the improvement is within the easement or slope rights/a letter of permission shall be obtained/granted and the engineer or surveyor shall further certify that: "Slope rights/a letter of permission has been obtained/granted for work outside of the easement limits."
3. The property owner shall comply with all applicable stormwater regulations at all times. The activities proposed under this application are subject to

enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (Ordinance No. 9424 and Ordinance No. 9426) and all other applicable ordinances and standards. This includes requirements for materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas greater than 1 acre require that the property owner keep additional and updated information onsite concerning stormwater runoff. This requirement shall be to the satisfaction of the Director of Public Works.

**ADOPTION STATEMENT:** This Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

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on \_\_\_\_\_

GLENN RUSSELL, Planning Manager  
Regulatory Planning Division

GR:LS:tf

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